

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CONGREGATION JESHUAT ISRAEL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 12-822S
	:	
CONGREGATION SHEARITH ISRAEL,	:	
	:	
Defendant.	:	

MOTION FOR A STAY

Defendant Congregation Shearith Israel moves this Court to stay this action pending a determination by the United States District Court for the Southern District of New York whether it has personal jurisdiction over Congregation Jeshuat Israel in a related action entitled Congregation Shearith Israel v. Congregation Jeshuat Israel, C. A. No. 12-CV-8406, that was commenced on November 16, 2012.

A Memorandum is filed in support of this Motion.

CONGREGATION SHEARITH ISRAEL,

By its Attorneys,

/s/ Deming E. Sherman
Deming E. Sherman (#1138)
EDWARDS WILDMAN PALMER LLP
2800 Financial Plaza
Providence, RI 02903
Phone: 401-274-9200
Fax: 401-276-6611
E-mail: dsherman@edwardswildman.com

/s/ Louis M. Solomon
Louis M. Solomon, Esq.
Louis M. Solomon (*Admitted Pro Hac Vice*)
Cadwalader, Wickersham & Taft LLP
One World Financial Center
New York, NY 10281
Tel.: 1 (212) 504-6600
Fax: 1 (212) 504-6666
E-mail: Louis.Solomon@cwt.com

December 4, 2012

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of December, 2012, this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non registered participants.

/s/ Deming E. Sherman

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Plaintiff,	:	
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v.	:	C.A. No. 12-822S
	:	
CONGREGATION SHEARITH ISRAEL,	:	
	:	
Defendant.	:	

MEMORANDUM IN SUPPORT OF MOTION FOR A STAY

Defendant Congregation Shearith Israel (“Shearith Israel”) has moved this Court to stay this action pending a determination by the United States District Court for the Southern District of New York whether it has personal jurisdiction over Congregation Jeshuat Israel in a related civil action entitled.

This action was commenced by Congregation Jeshuat Israel (“Jeshuat Israel”) on or about November 8, 2012 in the Superior Court, Newport County, State of Rhode Island and was removed to this United States District Court on November 14, 2012. Shearith Israel has filed its Answer and conditional Counterclaim that raises the same issues that are the subject of the related action Congregation Shearith Israel v. Congregation Jeshuat Israel, C. A. No. 12-CV-8406, that was commenced on November 16, 2012 in the United States District Court for the Southern District of New York. Shearith Israel has stated to this Court that it intends to file a motion to stay or transfer this case to the Southern District of New York. Jeshual Israel has stated that it intends to file shortly a motion to dismiss the New York action for lack of personal jurisdiction.

We submit that for reasons of judicial economy, the issue of personal jurisdiction of the Southern District of New York over Jeshuat Israel should be determined before this case proceeds further in this Court and before Shearith Israel files its motion to stay the case indefinitely or to transfer this case to the Southern District of New York. If the Southern District determines that it has jurisdiction, then Shearith Israel shall file in this Court its motion to stay or transfer promptly thereafter. If it is determined that there is no jurisdiction in New York, then this case shall proceed to be litigated in this Court.

Accordingly, Shearith Israel requests that this Court enter a limited stay of this action.

CONGREGATION SHEARITH ISRAEL,

By its Attorneys,

/s/ Deming E. Sherman

Deming E. Sherman (#1138)

EDWARDS WILDMAN PALMER LLP

2800 Financial Plaza

Providence, RI 02903

Phone: 401-274-9200

Fax: 401-276-6611

E-mail: dsherman@edwardswildman.com

/s/ Louis M. Solomon

Louis M. Solomon, Esq.

Louis M. Solomon (*Admitted Pro Hac Vice*)

Cadwalader, Wickersham & Taft LLP

One World Financial Center

New York, NY 10281

Tel.: 1 (212) 504-6600

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